

38-94

DECLARATION FOR PATENT APPLICATION

As a below name inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled ELECTRONIC ARTICLE SURVEILLANCE MARKER ASSEMBLY, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby appoint James J. Daley, Registration No. 24,158 and John J. Torrente, Reg. No. 26,359, as my attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.


Please address all correspondence to John J. Torrente at Robin, Blecker & Daley, 330 Madison Avenue, New York, New York 10017.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor

CHESTER KOLTON

Inventor's signature: 

Date: 2-22-02


Residence: 680 Shackamaxon Drive
Westfield, New Jersey 07090

Post Office Address: Same

Citizenship: United States

Full name of inventor

MICHAEL NORMAN

Inventor's signature: 

Date: 2-22-02


Residence: 25 Rebel Run Drive
East Brunswick,
New Jersey 08816

Post Office Address: Same

Citizenship: United States

Full name of inventor

ROBERT WHITTEMORE

Inventor's signature: 

Date: 2-22-02

Residence: 6 Ebury Mews
Middletown,
New York 10940

Post Office Address: Same

Citizenship: United States

Patent
38-94

Applicant or Patentee: Chester Kolton, Michael Norman
and Robert Whittemore

Serial or Patent No. :

Filed or Issued : Concurrently

For : ELECTRONIC ARTICLE SURVEILLANCE MARKER
ASSEMBLY

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am an official of the small
business concern empowered to act on behalf of the concern
identified below:

NAME OF CONCERN : B&G Plastics, Inc.
ADDRESS OF CONCERN : 37 Empire Street
Newark, New Jersey 07114

I hereby declare that the above identified small business
concern qualifies as a small business concern as defined in 13
CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of
paying reduced fees under Section 41(a) and (b) of Title 35,
United States Code, in that the number of employees of the
concern, including those of its affiliates, does not exceed 500
persons. For purposes of this statement, (1) the number of
employees of the business concern is the average over the
previous fiscal year of the concern of the persons employed on a
full-time, part-time or temporary basis during each of the pay

periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled ELECTRONIC ARTICLE SURVEILLANCE MARKER ASSEMBLY, by inventors Chester Kolton, Michael Norman Robert Whittemore, described in the specification filed herewith.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NONE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of

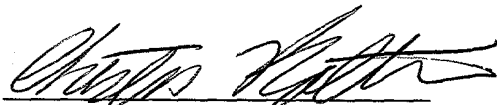
entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING : Chester Kolton
TITLE OF PERSON OTHER THAN OWNER: President
ADDRESS OF PERSON SIGNING : 680 Shackamaxon Drive
Westfield, New Jersey 07090

SIGNATURE

DATE



2-22-02